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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,979

10/21/2003

Stephan Braun

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22879 7590 08/10/2007

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FORT COLLINS, CO 80527-2400

EXAMINER

MILLER, BRANDON J

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

08/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/688,979

Applicant(s)

BRAUN ET AL.

Examiner

Brandon J. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/19/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al. (US 5,758,068) in view of Fosdick (5,752,041).

Regarding claim 1 Brandt teaches a plurality of communications links, each link providing a certain amount of traffic capacity to a communications network, of which only a portion of the links to the communications network are enabled for use through the activation of a first license key (see col. 2, lines 64-67 and col. 3, lines 1-13, license key used for accessing a licensed product relates to license key activated to enable a portion of the communication links). Brandt teaches a licensing framework for activating an add license key to enable additional ones

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of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network (see col. 3, lines 14-22 and col. 7, lines 20-26, add license key relates to upgrade license key). Brandt does not specifically teach a telecommunications platform and a traffic monitoring element for measuring the traffic level of the platform and for generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the base license key. Brandt does teach using a LAN connection (see col. 4, lines 36-41). Fosdick teaches a traffic monitoring element for measuring the traffic level and for generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the license key (see col. 5, lines 16-18 & 25-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Brandt adapt to include a telecommunication platform and a traffic monitoring element for measuring the traffic level of the platform and for generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the base license key because the license key manager can make a determination as to whether the number of licenses used is greater than that authorized by the license key manager and it would allow for reduced network communications traffic and improved system performance.

Regarding claim 2 Brandt and Fosdick teach a device as recited in claim 1 except for a traffic-monitoring element that is enabled for use by the licensing framework upon the activation of an upgrade license key. Brandt teaches activating an add license key (see col. 7, lines 20-26, add license key relates to upgrade license key). Fosdick teaches a traffic-monitoring element that is enabled for use by licensing framework (see col. 5, lines 16-18 & 25-48). It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a traffic monitoring element that is enabled for use by the licensing framework upon the activation of an upgrade license key because this would allow for reduced network communications traffic and improved system performance.

Regarding claim 3 Brandt teaches a time-limited validity period, and further comprising a license enforcement element for deactivating the plurality of links enabled by the activation of a license key upon the expiry of the validity period (see col. 8, lines 55-65)

Regarding claim 4 Brandt teaches a license enforcement element that is arranged to progressively deactivate the plurality of links over a predefinable time period (see col. 8, lines 55-65).

Regarding claim 5 Brandt teaches a license enforcement element that is arranged to deactivate all of the plurality of links immediately upon expiry of a license key (see col. 8, lines 55-65).

Regarding claim 6 Brandt and Fosdick teach a device as recited in claim 3 except for wherein the license enforcement element is adapted to deactivate use of the traffic-monitoring element upon expiry of the upgrade license key. Brandt does teach a license enforcement element that is arranged to deactivate the plurality of links upon expiry of a license key (see col. 8, lines 55-65). Fosdick teaches the use of a traffic-monitoring element (see col. 5, lines 16-18 & 32-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a license enforcement element that is adapted to deactivate use of the traffic monitoring element upon expiry of the upgrade license key because this would allow for reduced network communications traffic and improved system performance.

Regarding claim 7 Brandt and Fosdick teach a device as recited in claim 1 except for a replicated telecommunications platform connected in a high-availability arrangement though a high-availability framework (see paragraph [0009] & [0011]). Brandt does teach using a LAN connection (see col. 4, lines 36-40). It would have been obvious to one of ordinary skill in the art at time the invention was made to make the device adapt to include telecommunications platform connected in a high-availability arrangement though a high-availability framework because a LAN can use telephone lines to span large geographic areas and it would allow for reduced telecommunication traffic and improved system performance.

Regarding claim 8 Brandt teaches a plurality of communications links, each link providing a certain amount of traffic capacity to a communications network, of which only a portion of the links to the communications network are enabled for use through the activation of a first license key (see col. 2, lines 64-67 and col. 3, lines 1-13, license key used for accessing a licensed product relates to license key activated to enable a portion of the communication links). Brandt teaches activating an add license key to enable additional ones of the plurality of links to the communications network (to increase the total amount of traffic capacity to the communications network (see col. 3, lines 14-22 and col. 7, lines 20-26, add license key relates to upgrade license key). Brandt does not specifically teach a telecommunications platform, measuring the traffic level of the platform and generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the base license key. Brandt does teach using a LAN connection (see col. 4, lines 36-40). Fosdick teaches measuring the traffic level and for generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the license

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key (see col. 5, lines 16-18 & 25-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Brandt adapt to a telecommunications platform, measuring the traffic level of the platform and generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the base license key because the license key manager can make a determination as to whether the number of licenses used is greater than that authorized by the license key manager and it would allow for reduced network communications traffic and improved system performance.

Regarding claim 9 Brandt and Fosdick teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 10 Brandt and Fosdick teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 11 Brandt and Fosdick teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 12 Brandt and Fosdick teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 13 Brandt and Fosdick teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 14 Brandt and Fosdick teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 16 Brandt teaches a plurality of available communications links of which only a portion of the links, each link providing a certain amount of traffic capacity to a

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communications network, of which only a portion of the links to the communications network are enabled for use through the activation of a first license key (see col. 2, lines 64-67 and col. 3, lines 1-13, license key used for accessing a licensed product relates to license key activated to enable a portion of the communication links). Brandt teaches a licensing framework for activating an add license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network (see col. 3, lines 14-22 and col. 7, lines 20-26, add license key relates to upgrade license key). Brandt does not specifically teach a telecommunications platform and a traffic monitoring element for measuring, in response to the activation of the upgrade license key, the traffic level of the platform and for generating data related to the measured traffic level when it is determined that the measured traffic level indicates that the number of links used is greater than that provided for by the base license key. Brandt does teach using a LAN connection (see col. 4, lines 36-40). Fosdick teaches a traffic monitoring element for measuring the traffic level and for generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the license key (see col. 5, lines 16-18 & 25-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Brandt adapt to include a telecommunications platform and a traffic monitoring element for measuring, in response to the activation of the upgrade license key, the traffic level of the platform and for generating data related to the measured traffic level for determining when it is determined that the measured traffic level is indicative that the number of links used is greater than that provided for by the base license key because the license key manager can make a determination as to whether the number of licenses used is greater than that

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authorized by the license key manager and it would allow for reduced network communications traffic and improved system performance.

Regarding claim 17 Brandt teaches a plurality of communications links, each link providing a certain amount of traffic capacity to a communications network, of which only a portion of the links to the communications network are enabled (see col. 2, lines 64-67 and col. 3, lines 1-13, license key used for accessing a licensed product relates to license key activated to enable a portion of the communication links). Brandt teaches a licensing framework for activating an add license key to enable additional ones of the plurality of links to the communications network (see col. 3, lines 14-22 and col. 7, lines 20-26, add license key relates to upgrade license key). Brandt does not specifically teach a telecommunications platform and a traffic monitoring element for measuring the traffic level of the platform and for generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the base license key. Brandt does teach using a LAN connection (see col. 4, lines 36-40). Fosdick teaches a traffic monitoring element for measuring the traffic level and for generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the license key (see col. 5, lines 16-18 & 25-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Brandt adapt to include a telecommunication platform and a traffic monitoring element for measuring the traffic level of the platform and for generating data related to the measured traffic level for determining whether the number of links used is greater than that provided for by the base license key because the license key manager can make a determination as to whether the number of licenses used is greater than that authorized by the license key

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manager and it would allow for reduced network communications traffic and improved system performance.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt et al. (US 2004/0010471 A1).

Regarding claim 15 Brandt teaches a plurality of communications links, each link providing a certain amount of traffic capacity to a communications network, of which only a portion of the links to the communications network are enabled for use through the activation of a first license key (see col. 2, lines 64-67 and col. 3, lines 1-13, license key used for accessing a licensed product relates to license key activated to enable a portion of the communication links). Brandt teaches a licensing framework for activating an add license key to temporarily enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network (see col. 3, lines 14-22 and col. 7, lines 20-26, add license key relates to upgrade license key). Brandt does not specifically teach a telecommunications platform. Brandt does teach using a LAN connection (see col. 4 lines 36-40). It would have been obvious to one of ordinary skill in the art at time the invention was made to make the device adapt to include a telecommunications platform because a LAN can use such telephone lines and it would allow for reduced telecommunication traffic and improved system performance.

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

LaMothe et al. Pub. No.: US 2003/0163712 A1 discloses a method and system for limiting use of embedded software.

Gold et al. Pub. No.: US 2002/0188704 A1 discloses an upgrade of licensed capacity on computer identity.

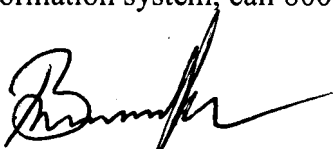
Gold Patent No.: US 6,662,284 B2 discloses a computer apparatus, method and memory including license key.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be "B. Smith", written over the date.

August 2, 2007

A handwritten signature in black ink, appearing to be "George Eng", written above the printed name.

GEORGE ENG
SUPERVISORY PATENT EXAMINER